

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA, :
Plaintiff, :
v. :
MICHAEL D'AGUIAR, :
Defendant. :
Criminal Action No. 97-58-1-SLR

DEFENDANT'S MOTION FOR
RETROACTIVE COCAINE BASE SENTENCING REDUCTION

AND NOW comes the defendant, Michael D'Aguiar, by his attorney Edson A. Bostic, Federal Public Defender, and pursuant to 18 U.S.C. § 3582(c)(2), files this Motion for Retroactive Cocaine Base Sentencing Reduction.

In support of this motion, Mr. D'Aguiar avers as follows:

1. By written report dated February 12, 2008, the United States Probation Office determined that defendant, Michael D'Aguiar, qualifies for the two-level guideline reduction, and that application of the two-level reduction produces a revised Guideline range of 135 to 168-months imprisonment.

2. On February 20, 2008, the Probation Office represented to defense counsel that the United States Attorney's Office would not oppose application of the two-level reduction.

3. With the agreement of the client, defense counsel waives an evidentiary hearing, concurs in the Probation Officer's written report, and requests that the District Court consider a sentence of 135-months imprisonment.

WHEREFORE, it is respectfully requested that Mr. D'Aguiar's Motion for Retroactive Cocaine Base Sentencing Reduction be GRANTED.

Respectfully submitted,

/s/
Edson A. Bostic
Federal Public Defender

Attorney for Defendant D'Aguiar

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Date: February 21, 2008